

Exhibit 2

From: jsheasby@irell.com
Sent: Friday, December 6, 2024 11:47 AM
To: Ruffin Cordell
Cc: melissa@gillamsmithlaw.com; Meghan Thadani; Bryan Cannon; Strabone, Andrew; Angela Castagnola; Chestney, Isabella; FISH SERVICE Samsung/Netlist 22cv00293; #Netlist-Samsung293; jtruelove@mckoolsmith.com
Subject: Re: <no subject>

If you file today we will respond by end of the day on Monday. But we will not agree to any reply or sur reply.

Thanks
JS

From: Ruffin Cordell <RBC@fr.com>
Date: Friday, December 6, 2024 at 11:29 AM
To: Jason Sheasby <JSheasby@irell.com>
Cc: Melissa ~Smith <melissa@gillamsmithlaw.com>, Meghan Thadani <thadani@fr.com>, Bryan Cannon <cannon@fr.com>, "Strabone, Andrew" <AStrabone@irell.com>, Angela Castagnola <castagnola@fr.com>, "Chestney, Isabella" <ichestney@irell.com>, FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>
Subject: Re: <no subject>

Jason,

In light of the Court's order setting a hearing on Netlist's injunction motion, Samsung plans to file its motion to extend the deadline for Samsung's opposition to January 13, 2024, as well as request to reset the hearing for after briefing is complete. We assume Netlist still opposes this version of Samsung's motion. Please also confirm Netlist is still not opposed to expedited briefing on Samsung's Motion and that Netlist will respond three calendar days from filing.

Ruffin

On Dec 5, 2024, at 3:08 PM, Sheasby, Jason <JSheasby@irell.com> wrote:
Actually. To speed things up lets just do calendar days.

From: Jason Sheasby <JSheasby@irell.com>
Date: Thursday, December 5, 2024 at 1:02 PM
To: Ruffin Cordell <RBC@fr.com>
Cc: Melissa ~Smith <melissa@gillamsmithlaw.com>, Meghan Thadani <thadani@fr.com>, Bryan Cannon <cannon@fr.com>, "Strabone, Andrew" <AStrabone@irell.com>, Angela Castagnola <castagnola@fr.com>, "Chestney, Isabella" <ichestney@irell.com>, FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, Meghan Thadani <thadani@fr.com>, Bryan Cannon <cannon@fr.com>, "Strabone, Andrew" <AStrabone@irell.com>, Angela Castagnola <castagnola@fr.com>, "Chestney, Isabella" <ichestney@irell.com>, FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>

Subject: Re: <no subject>

We are happy to respond in three business days.

From: Ruffin Cordell <RBC@fr.com>

Date: Thursday, December 5, 2024 at 1:00 PM

To: Jason Sheasby <JSheasby@irell.com>

Cc: Melissa ~Smith <melissa@gillamsmithlaw.com>, Meghan Thadani <thadani@fr.com>, Bryan Cannon <cannon@fr.com>, "Strabone, Andrew" <AStrabone@irell.com>, Angela Castagnola <castagnola@fr.com>, "Chestney, Isabella" <ichestney@irell.com>, FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>, Meghan Thadani <thadani@fr.com>, Bryan Cannon <cannon@fr.com>, "Strabone, Andrew" <AStrabone@irell.com>, Angela Castagnola <castagnola@fr.com>, "Chestney, Isabella" <ichestney@irell.com>, FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>

Subject: RE: <no subject>

Jason,

Thank you for confirming that you are opposed to our schedule. We will note Netlist's opposition in our motion to align the briefing dates. Can we agree to shorten the briefing on our motion to align to three business days to oppose and one day to reply?

Thanks,

Ruffin

From: Sheasby, Jason <JSheasby@irell.com>

Sent: Thursday, December 05, 2024 2:20 PM

To: Ruffin Cordell <RBC@fr.com>

Cc: melissa@gillamsmithlaw.com; Meghan Thadani <thadani@fr.com>; Bryan Cannon <cannon@fr.com>; Strabone, Andrew <AStrabone@irell.com>; Angela Castagnola <castagnola@fr.com>; Chestney, Isabella <ichestney@irell.com>; FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>; #Netlist-Samsung293 <Netlist-Samsung293@irell.com>; jtruelove@mckoolsmith.com; melissa@gillamsmithlaw.com; Meghan Thadani <thadani@fr.com>; Bryan Cannon <cannon@fr.com>; Strabone, Andrew <AStrabone@irell.com>; Angela Castagnola <castagnola@fr.com>; Chestney, Isabella <ichestney@irell.com>; FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>

Subject: Re: <no subject>

Counsel:

Your silence leads me to conclude that you have withdrawn your entirely unreasonable demand. Nonetheless we are still willing to make the adjustments to be briefing schedule I flagged so that we take on any briefing that occurs over the holidays.

Thanks

JS

From: Jason Sheasby <JSheasby@irell.commailto:JSheasby@irell.com>>

Date: Wednesday, December 4, 2024 at 7:51 PM

To: Ruffin Cordell <RBC@fr.com<mailto:RBC@fr.com>>

Cc: Melissa ~Smith <melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com>>, Thadani Meghan <thadani@fr.com<mailto:thadani@fr.com>>, Cannon Bryan <cannon@fr.com<mailto:cannon@fr.com>>, "Strabone, Andrew" <AStrabone@irell.com<mailto:AStrabone@irell.com>>, Castagnola Angela <castagnola@fr.com<mailto:castagnola@fr.com>>, "Chestney, Isabella" <ichestney@irell.com<mailto:ichestney@irell.com>>, "FISHSERVICESamsung/Netlist22cv00293@fr.com<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>" <FISHSERVICESamsung/Netlist22cv00293@fr.com<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com<mailto:Netlist-Samsung293@irell.com>>, "jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>" <jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>>, Melissa ~Smith <melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com>>, Thadani Meghan <thadani@fr.com<mailto:thadani@fr.com>>, Cannon Bryan <cannon@fr.com<mailto:cannon@fr.com>>, "Strabone, Andrew" <AStrabone@irell.com<mailto:AStrabone@irell.com>>, Castagnola Angela <castagnola@fr.com<mailto:castagnola@fr.com>>, "Chestney, Isabella" <ichestney@irell.com<mailto:ichestney@irell.com>>, "FISHSERVICESamsung/Netlist22cv00293@fr.com<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>" <FISHSERVICESamsung/Netlist22cv00293@fr.com<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>>
Subject: Re: <no subject>

Ruffin.

i recommend you read our motion. Based on your email it appears you have not.

As stated previously if you need some additional time we are happy to be flexible around the holidays. But we will not agree until mid-january to oppose.

Best
JS

On Dec 4, 2024, at 7:30 PM, Ruffin Cordell <RBC@fr.com<mailto:RBC@fr.com>> wrote:

Jason,

Notably you do not address in what country Netlist may seek injunctive relief after a lump-sum jury verdict, while never having previously requested such relief. United States law does not permit a motion for an injunction to set aside the jury's verdict without basis and outside of the procedural schedule. The Court has a post-trial motions schedule under which Netlist may seek relief, although the fact of your filing confirms that Netlist's setting aside the verdict will be a difficult task. Our proposed schedule simply aligns the response to your motion with the balance of the post-trial motions in this case, which is consistent with the schedule that would have obtained if Netlist had filed a procedurally appropriate motion.

Please confirm that Netlist will agree to align the briefing on your motion for injunction with the balance of the post-trial exchanges.

Best,

Ruffin

From: Sheasby, Jason <JSheasby@irell.com<mailto:JSheasby@irell.com>>
Sent: Wednesday, December 04, 2024 9:26 PM
To: melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com>; Ruffin Cordell <RBC@fr.com<mailto:RBC@fr.com>>; Meghan Thadani <thadani@fr.com<mailto:thadani@fr.com>>; Bryan Cannon <cannon@fr.com<mailto:cannon@fr.com>>; Strabone, Andrew <AStrabone@irell.com<mailto:AStrabone@irell.com>>; Angela Castagnola <castagnola@fr.com<mailto:castagnola@fr.com>>; Chestney, Isabella <ichestney@irell.com<mailto:ichestney@irell.com>>; FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>>
Cc: #Netlist-Samsung293 <Netlist-Samsung293@irell.com<mailto:Netlist-Samsung293@irell.com>>; jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com>
Subject: Re: <no subject>

[This email originated outside of F&R.]

Counsel:

Your email is a scripted response that ignores our exchange earlier this morning which you have ignored and which I paste below.

1. We do not agree with what you wrote below as a matter of fact or law.
2. As previously stated this morning, we are happy to give you a reasonable extension but will not agree to the schedule you set out below.

From: Jason Sheasby
<JSheasby@irell.com<mailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmailto:JSheasby@irell.com>>>
Date: Wednesday, December 4, 2024 at 7:39 AM
To: Melissa ~Smith
<melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com%3cmailto:m
elissa@gillamsmithlaw.com>>>, Ruffin Cordell
<RBC@fr.com<mailto:RBC@fr.com<mailto:RBC@fr.com%3cmailto:RBC@fr.com>>>, Meghan Thadani
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<cannon@fr.com<mailto:cannon@fr.com<mailto:cannon@fr.com%3cmailto:cannon@fr.com>>>, "Strabone, Andrew"
<AStrabone@irell.com<mailto:AStrabone@irell.com<mailto:AStrabone@irell.com%3cmailto:AStrabone@irell.com>>>, Angela Castagnola
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Cc: #Netlist-Samsung293 <Netlist-Samsung293@irell.com<mailto:Netlist-Samsung293@irell.com<mailto:Netlist-

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<jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com%3cmaito:jtruelove@mckoolsmith.com>>>>
Subject: Re: <no subject>

In addition. If you would like a few extra days after the New Year to file the sur reply, we can agree to that as well.

Thanks
JS

From: Jason Sheasby
<JSheasby@irell.com<mailto:JSheasby@irell.com<mailto:JSheasby@irell.com%3cmaito:JSheasby@irell.com>>>>
Date: Wednesday, December 4, 2024 at 7:28 AM
To: Melissa ~Smith
<melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com%3cmaito:melissa@gillamsmithlaw.com>>>>, Ruffin Cordell
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Cc: #Netlist-Samsung293 <Netlist-Samsung293@irell.com<mailto:Netlist-Samsung293@irell.com<mailto:Netlist-Samsung293@irell.com%3cmaito:Netlist-Samsung293@irell.com>>>>,
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<jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com%3cmaito:jtruelove@mckoolsmith.com>>>>
Subject: Re: <no subject>

All:

Thanks for conforming your opposition. We understand you want an extension under December 28. Because of the short amount of time left on the patent life we can agree to give you until the December 23 for the opposition. We will then provide our reply by December 26. This will allow the motion to be heard promptly in the New Year.

We can also extend the briefing schedule on the other post-trial motions as you would prefer to give you more flexibility.

JS

Thanks
JS

From: Daniel Tishman

<tishman@fr.com<mailto:tishman@fr.com<mailto:tishman@fr.com%3cmmailto:tishman@fr.com>>>

Date: Wednesday, December 4, 2024 at 6:00 PM

To: "Tezyan, Michael"

<mtezyan@irell.com<mailto:mtezyan@irell.com<mailto:mtezyan@irell.com%3cmmailto:mtezyan@irell.com>>>, Melissa ~Smith

<melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com<mailto:melissa@gillamsmithlaw.com%3cmmailto:m elissa@gillamsmithlaw.com>>>, Jason Sheasby

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Cc: #Netlist-Samsung293 <Netlist-Samsung293@irell.com<mailto:Netlist-Samsung293@irell.com<mailto:Netlist-Samsung293@irell.com%3cmmailto:Netlist-Samsung293@irell.com>>>,

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<jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com<mailto:jtruelove@mckoolsmith.com%3cmmailto:jtrue love@mckoolsmith.com>>>

Subject: RE: Netlist v. Samsung-293 | Dkt. 858

Counsel:

Netlist's motion for an injunction is an improper and baseless attempt to set aside the jury's lump-sum jury verdict outside of the normal post-trial briefing schedule. The jury's lump-sum verdict eliminates any possible injunction, because it licenses Samsung for the entire life of the asserted patents. See Trial Tr. 1228:20-25 ("Now, one type of reasonable royalty is a lump-sum royalty. A lump-sum royalty is when the infringer pays a single price for a license to use a patent throughout the life of the patent. As such, a lump sum royalty compensates the patent holder for damages for both past infringement and for future infringement throughout the life of the patent."). As you know, Netlist lost its objection to the court's decision to allow the jury to award a lump sum royalty for the life of the patent, should it so choose. The only proper vehicle for Netlist to challenge this lump-sum verdict is through a Rule 50 or Rule 59 motion. As such, the motion improperly attempts to circumvent the timing and page limitations associated with Rule 50 and Rule 59 briefing. Accordingly, Samsung seeks an extension of time to respond to this motion on the same schedule as oppositions to other Rule 50 and Rule 59 motions—namely, any opposition should be due on Monday, January 13, 2025 (14 days after any post-trial motions that are filed on December 30, 2024). This would align briefing on this motion with other post-trial motions. Please let us know if you oppose.

Sincerely,

Dan

Daniel Tishman

Principal ■ Fish & Richardson P.C.

T: +1 (202) 626-7725 | tishman@fr.com<mailto:tishman@fr.com<mailto:tishman@fr.com%3cmmailto:tishman@fr.com>>

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